

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW S. MILLER,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:10-cv-00498

LINCOLN FINANCIAL GROUP,

Defendant.

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REPORT AND RECOMMENDATION

This matter is before the Court on Defendant's Motion to Dismiss the Complaint (Dkt. 11) in this matter which was referred to the undersigned by the Honorable Janet T. Neff. As stated in his response filed June 21, 2010 (Dkt. 14), Plaintiff does not oppose and indeed seeks the relief requested by Defendant. As such, the undersigned recommends that Defendant's Motion to Dismiss the Complaint (Dkt. 11) be **granted** and Plaintiff's Complaint be dismissed with prejudice.

Respectfully submitted,

Date: June 22, 2010

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).